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 Date of Deposit May 31, 2002

PATENT
 Attorney Docket No.: 014940-001910US

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JUN 25 2002

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Alagar, Sridhar et al.

Application No.: 10/045,955

Filed: November 6, 2001

For: METHOD AND SYSTEM FOR BI-DIRECTIONAL PATH SWITCHED NETWORK

Examiner:

Art Unit: 2633

PETITION IN RESPONSE TO NOTICE
 TO FILE MISSING PARTS OF
NONPROVISIONAL APPLICATION

Assistant Commissioner for Patents

Washington, D.C. 20231

Adjustment date: 07/18/2002 AKELLEY
 06/06/2002 JBALINAN 00000110-201430 10045955
 05 FC:122 130.00 CR

This petition is hereby submitted in response to the Notice to File Missing Parts mailed April 4, 2002.

Pursuant to the foregoing Notice to File Missing Parts, it was stated that Figures 42 and 43 appeared to have been omitted from the above-referenced application which was filed on November 6, 2001.

Applicants, through their authorized attorney, hereby contend that contrary to what was alleged in the Notice to File Missing Parts, Figures 42 and 43 were indeed deposited as part of the above-referenced application on November 6, 2001. A declaration by Applicants' attorney, Horace H. Ng, is submitted herewith as Exhibit 1 to support this petition. A copy of Figures 42 and 43 is also provided as Exhibit 2 to complete the above-referenced application.

06/06/2002 JBALINAN 00000110 201430 10045955
 05 FC:122 130.00 CH

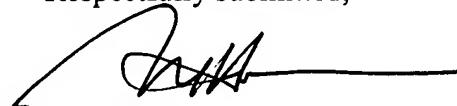
Alagar, Sridhar et al.
Application No.: 10/045,955
Page 2

PATENT

It is respectfully submitted that Figures 42 and 43 should be accorded a filing date of November 6, 2001.

The Commissioner is hereby authorized to charge the petition fee of \$130.00, as well as any additional fees if appropriate, in connection with this petition to Deposit Account 20-1430. In the event that it is determined that Figures 42 and 43 were received by the U.S. Patent and Trademark Office, it is respectfully requested that Applicants be granted a refund of the petition fee.

Respectfully submitted,



Horace H. Ng
Reg. No. 39,315

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: (415) 576-0200
Fax: (415) 576-0300
HHN:hnn
SF 1351175 v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Alagar, Sridhar et al.

Application No.: 10/045,955

Filed: November 6, 2001

For: METHOD AND SYSTEM FOR BI-DIRECTIONAL PATH SWITCHED NETWORK

Examiner:

Art Unit: 2633

DECLARATION IN SUPPORT OF PETITION IN RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Horace H. Ng, declare as follows:

1. I am an associate in the law firm of Townsend and Townsend and Crew LLP and the attorney of record in the above-referenced application.
2. I filed the above-referenced application on November 6, 2001 with the U.S. Patent and Trademark Office.
3. When filing an application, it is my customary practice to personally count all the pages of the application before depositing it in an Express Mail envelope. To the best of my knowledge, I did not deviate from this practice with respect to the above-referenced application as I personally counted the pages of the above-referenced application before depositing it in the Express Mail envelope with label no. EL827152085.
4. The above-referenced application has a total of thirty-eight (38) pages of drawings including Figures 42 and 43 which are on the same page.
5. The transmittal cover sheet submitted with the above-referenced application shows that thirty-eight (38) pages of drawings were included in the above-referenced application. A copy of the transmittal cover sheet is attached hereto as Exhibit A.

6. The return postcard submitted with the above-referenced application was itemized showing that thirty-eight (38) pages of drawings were included in the above-referenced application. The return postcard was date-stamped by the U.S. Patent and Trademark Office, a copy of which is attached hereto as Exhibit B. In this instance, the date-stamped return postcard is *prima facie* evidence that the above-referenced application including all thirty-eight (38) pages of drawings was properly received by the U.S. Patent and Trademark.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true and further that these statement made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

Respectfully submitted,



Horace H. Ng
Reg. No. 39,315

Dated: 5-31-02

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
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SF 1351203 v1

Please type a plus sign (+) inside this box.

MAY 3 1 2002

PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No.	014940-001910US
First Inventor	Alagar, Sridhar
Title	METHOD AND SYSTEM FOR BIDIRECTIONAL PATH SWITCHED NETWORK
Express Mail Label No.	EL827152085

APPLICATION ELEMENTS		ADDRESS TO
See MPEP chapter 600 concerning design patent application contents.		Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
<p>1. <input type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 42] (preferred arrangement set forth below) - Descriptive title of the Invention - Cross References to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C.113) [Total Sheets 38]</p> <p>5. Oath or Declaration [Total Pages] a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) (for a continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>		<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper number of pages c. <input type="checkbox"/> Statements verifying identity of above copies</p>
ACCOMPANYING APPLICATIONS PARTS		
<p>9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input type="checkbox"/> 37 C.F.R. §3.73(b)Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)</p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)</p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35, or its equivalent</p> <p>17. <input type="checkbox"/> Other:</p>		

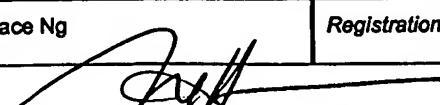
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) of prior application No: _____ / _____
Prior application Information: Examiner _____ Group Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	20350 (Insert Customer No. or Attach bar code label here)	<input type="checkbox"/> Correspondence address below
Name		
Address		
City	State	Zip Code
Country	Telephone	Fax

Name (Print/Type)	Horace Ng	Registration No. (Attorney/Agent)	39,315
Signature			Date 11/6/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

SF 1289180 v1

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PATENT APPLICATION
ACKNOWLEDGMENT

Mailing Date: November 6, 2001 (EL827152085US)

File No.: 014940-001910US Attorney: Horace H. Ng, (lcb)

Inventors: Alagar, Sridhar et al.

Title: METHOD AND SYSTEM FOR BI-DIRECTIONAL PATH SWITCHED NETWORK

Utility Pat Appln Trans _ Declaration ADS _ Non-Pub. Request
 Assignment _ Recordation Form _ Fee Transmittal (duplicate)

No. Pages of Description

34

No. Pages of Appendix

0

No. Pages of Claims:

7

No. Pages of Abstract:

1

No. Sheets of Drawings:

38

Microfiche Appendix:

0

SF 1289223 v1

jc872 U.S. PTO
10/045955



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UNITED STATES PATENT & TRADEMARK OFFICE
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REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>7/9/02</u>		2 Serial/Patent # <u>10/045,955</u>		
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
<input type="checkbox"/> Filing				\$
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<input type="checkbox"/> Extension of Time				\$
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<input checked="" type="checkbox"/> No Fee Due (Explanation):		<i>Requirement for omitted items is vacated</i>		
11 REFUND REQUESTED BY: <u>C. Donnell</u>				
TYPED/PRINTED NAME: <u>C. Donnell</u>		TITLE: <u>Petitions Attorney</u>		
SIGNATURE: <u>C. Donnell</u>		PHONE: <u>306-5589</u>		
OFFICE: <u>4700</u>		*****		
THIS SPACE RESERVED FOR FINANCE USE ONLY:				
APPROVED: <u>Alicia Kelly</u>		DATE: <u>7/18/02</u>		

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